

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0311

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CARL MELVIN ANKENY,

Defendant and Appellant.

FILED

MAY 03 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND  
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until June 9, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 3rd day of May, 2010.

STEVE BULLOCK  
Montana Attorney General  
P.O. Box 201401  
215 North Sanders  
Helena, MT 59620-1401

By: 

JONATHAN M. KRAUSS  
Assistant Attorney General

STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

I, Jonathan M. Krauss, being first duly sworn upon my oath, depose and state as follows:

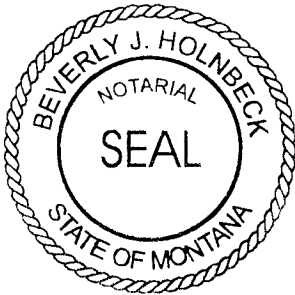
1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.
2. The State's brief was first due on April 8, 2010. The brief is presently due on May 10, 2010. The State has made one previous request for extension.
3. Due to my workload since assignment of this case, I am unable to meet the present deadline for filing the State's brief and am requesting an extension of time to June 9, 2010. Since the assignment of this matter, I have drafted and filed the State's brief in the following cases now pending before this Court:
  - (a) In re B.M. & P.M., DA 09-0636, (youth in need of care) filed on March 29, 2010; and
  - (b) State v. Mullarkey, DA 09-0516, filed on April 23, 2010.In addition, I have two other pending cases assigned to me: State v. Sage, DA 09-0252, State's brief due on May 7, 2010; and State v. McClure, DA 10-0001, State's brief due on May 17, 2010.
4. I will work diligently in an effort to complete this matter in the time requested.

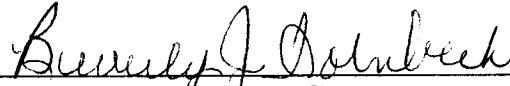
5. Opposing counsel has been contacted concerning this motion and does not object.

6. Further your affiant sayeth naught.

  
JONATHAN M. KRAUSS

SUBSCRIBED AND SWORN to before me this 3rd day of May, 2010.



  
BEVERLY J. HOLNBECK  
Notary Public for the State of Montana  
Residing at Helena, Montana  
My commission expires April 26, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time to be mailed to:

Ms. Nancy G. Schwartz  
NG Schwartz Law, PLLC  
U.S. Bank Building  
303 North Broadway, Ste. 600  
Billings, MT 59101

Ms. Joan S. Borneman  
Deer Lodge County Attorney  
800 South Main  
Anaconda, MT 58711-2999

DATED: 5/3/10